

Public Law 764

CHAPTER 676

AN ACT

To effect the control of narcotics and dangerous drugs in the District of Columbia, and for other purposes.

July 24, 1956
[H. R. 11320]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dangerous Drug Control Act for the District of Columbia".

Dangerous Drug
Control Act for the
District of Colum-
bia.

TITLE I—TREATMENT OF NARCOTIC USERS

SEC. 101. The Act entitled "An Act to provide for the treatment of users of narcotics in the District of Columbia", approved June 24, 1953 (67 Stat. 77), is amended to read as follows:

D. C. Code 24-
601 to 24-612.

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Hospital Treatment for Drug Addicts Act for the District of Columbia'.

"PURPOSE

"SEC. 2. The purpose of this Act is to protect the health and safety of the people of the District of Columbia from the menace of drug addiction and to afford an opportunity to the drug user for rehabilitation. The Congress intends that Federal criminal laws shall be enforced against drug users as well as other persons, and this Act shall not be used to substitute treatment for punishment in cases of crime committed by drug users.

"DEFINITIONS

"SEC. 3. For the purpose of this Act—

"(a) The term 'drug user' means any person, including a person under eighteen years of age, notwithstanding the provisions of the Juvenile Court Act of the District of Columbia, as amended, who uses any habit-forming narcotic drugs so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction.

"(b) The term 'narcotic drugs' shall have the same meaning as that given to such term by section 4731 of the Internal Revenue Code of 1954.

"(c) The term 'patient' means any person ordered to appear before the Commissioners, pursuant to the provisions of section 4 of this Act.

"(d) The term 'Commissioners' means the Commissioners of the District of Columbia, sitting as a Board, or their designated agent or agents.

"ORDER OF EXAMINATION

"SEC. 4. (a) Whenever the Commissioners have probable cause to believe that any person within the District of Columbia, other than a person referred to in subsection (b) hereof, is a drug user, they forthwith shall order any law enforcement officer of the District of Columbia to bring that person before them, to conduct a preliminary examination, and if they find sufficient evidence of addiction, as hereinbefore defined, they shall cause that person to be placed in an institution to be designated by them for an examination by physicians pursuant to section 5 of this Act.

68A Stat. 557.
26 USC 4731.

"(b) The Commissioners shall not order any person brought before them if the said person is charged with a criminal offense, whether by indictment, information, or otherwise, or if the said person is under sentence for a criminal offense, whether he is serving the sentence, or is on probation or parole, or has been released on bond pending appeal.

"EXAMINATION BY PHYSICIAN

"SEC. 5. (a) Whenever the Commissioners order a patient into an institution pursuant to the provisions of section 4 hereof, they shall immediately appoint two qualified physicians, one of whom shall be a psychiatrist, to examine the said patient, and within five days after such appointment, each physician shall file with the United States Attorney for the District of Columbia, a written report of such examination, which shall include a statement of his conclusion as to whether the patient is a drug user.

"(b) The United States Attorney for the District of Columbia shall review the facts and circumstances of each case submitted to him and present by petition those in which he feels justification exists in the public interest to the United States District Court for the District of Columbia for determination and disposition, or dismiss the patient from custody. A copy of such petition shall be served on the patient in open court, at which time the court shall set a hearing date and advise the patient of his right to counsel and his right to demand within five days a trial by jury.

"WHEN HEARING IS REQUIRED

"SEC. 6. If, in a report filed pursuant to section 5 of this Act, either of the examining physicians states that the patient is a drug user, or that he is unable to reach any conclusion by reason of the refusal of the patient to submit to thorough examination, the court shall conduct a hearing upon petition of the United States Attorney in the manner provided in section 8 of this Act.

"RIGHT TO COUNSEL

"SEC. 7. (a) A patient shall have the right to the assistance of counsel at every stage of the judicial proceeding under this Act, and the court shall assign counsel to represent him if the patient is unable to obtain counsel.

"(b) The counsel for a patient may inspect the reports of the examination made pursuant to the authority contained in section 5 of this Act. No such report and no evidence resulting from such personal examination or evidence offered by the patient shall be admissible against him in any judicial proceeding except a proceeding under this Act.

"(c) The patient may, prior to the examination made pursuant to the provisions of section 5 of this Act or prior to the hearing provided for by section 8 of this Act, waive his rights to an examination, to counsel, or to such hearing, and voluntarily submit himself to commitment pursuant to the provisions of this Act.

"HEARING

"SEC. 8. (a) Upon the evidence introduced at a hearing held for that purpose the court shall determine whether the patient is a drug user. The hearing shall be conducted without a jury unless, before such hearing and within five days after the date on which the petition

is filed pursuant to section 5 of this Act, a jury is demanded by the patient or by the United States attorney for the District of Columbia. Each patient concerning whom a report is filed shall be detained at such place as the Commissioners may designate until the completion of such hearing or until released as provided in section 5 (b) hereof.

"(b) The rules of evidence applicable in civil judicial proceedings shall be applicable to hearings pursuant to this section, including the right of the patient to present evidence in his own behalf and to subpoena and cross-examine witnesses. However, no patient examined pursuant to the provisions of this Act, shall be permitted at any hearing ordered pursuant to this section to object to the submission of testimony concerning such examination on the ground of privilege.

"CONFINEMENT OF PATIENT

"SEC. 9. If the court finds the patient to be a drug user, it may commit him to a hospital designated by the patient or the Commissioners and approved by the court, to be confined there for rehabilitation until released in accordance with section 10 of this Act. In the event a patient elects to designate a hospital to which he wishes to be committed, he shall be required to satisfy the court that such hospital has medical, rehabilitation, and security facilities comparable to the institutions designated by the Commissioners and, in addition, the cost of such hospitalization shall be borne by the patient. The head of the hospital shall submit written reports within such periods as the court may direct, but no longer than six months after the commitment and for successive intervals of time thereafter, and state reasons why the patient has not been released.

"RELEASE OF PATIENT

"SEC. 10. (a) When the head of the hospital to which the patient is committed finds that the patient appears to be no longer in need of confinement for treatment purposes, or has received maximum benefits, he shall give notice to the judge of the committing court, and said patient shall be delivered to the said court for such further action as the court may deem necessary and proper under the provisions of this Act.

"(b) The court, upon petition of the patient after confinement for one year, shall inquire into the refusal or failure of the head of the hospital to release him. If the court finds that the patient is no longer in need of care, treatment, guidance, or rehabilitation, or has received maximum benefits, it shall order the patient released, in accordance with the provisions of section 11 of this Act.

"PERIODIC EXAMINATION OF RELEASED PATIENTS

"SEC. 11. (a) For two years after his release, the patient shall report to the Commissioners at such times and places as required, for a physical examination to determine whether the patient has again become a drug user. If the Commissioners determine that the person examined is a drug user, they shall then order the patient into an institution in accordance with the provisions of this Act.

"(b) Upon the failure of any patient to report in accordance with the provisions of subsection (a) hereof, the United States attorney for the District of Columbia shall be notified of such failure, and a statement of such failure to report shall be filed with the court. The court shall issue an attachment for the patient and order him confined forthwith for examination and such further action as the court may deem necessary and proper under the provisions of this Act.

"PATIENT NOT DEEMED A CRIMINAL"

"SEC. 12. The patient in any proceedings under this Act shall not be deemed a criminal and the commitment of any such patient shall not be deemed a conviction."

Effective date.

SEC. 102. This title shall take effect thirty days after the date of its enactment.

TITLE II—REGULATION AND CONTROL OF CERTAIN DRUGS OTHER THAN NARCOTICS

Dangerous Drug Act for the District of Columbia.

SEC. 201. This title may be cited as the "Dangerous Drug Act for the District of Columbia".

DEFINITIONS

SEC. 202. For the purposes of this title—

(1) The term "dangerous drug" means—

(A) amphetamine, desoxyephedrine, or compounds or mixtures thereof, including all derivatives of phenylethylamine or any of the salts thereof which have a stimulating effect on the central nervous system, except preparations intended for use in the nose and unfit for internal use;

(B) barbituric acid, also known as malonylurea, and its salts and derivatives, and compounds, preparations, and mixtures thereof;

(C) other drugs or compounds, preparations, or mixtures thereof which the Commissioners shall find and declare by rule or regulation duly promulgated, after reasonable public notice and opportunity for a hearing to be habit-forming, excessively stimulating, or to have a dangerously toxic, or hypnotic or somnifacient effect on the body of a human or animal; except that the term "dangerous drug" shall not include any drug the manufacture or delivery of which is regulated by Federal narcotic drug laws, or by the narcotic drug laws of the District of Columbia.

(2) The terms "delivery" and "furnish" mean the selling, dispensing, giving away, sampling, or supplying in any other manner.

(3) The term "patient" means, as the case may be—

(A) the individual for whom a dangerous drug is prescribed, administered, or supplied in the course of professional practice for a legitimate medical purpose; or

(B) the owner or the agent of the owner of the animal for whom a dangerous drug is prescribed or to which or on which a dangerous drug is administered or used in the course of professional practice for a legitimate medical purpose.

(4) The term "person" includes any corporation, partnership, association, or one or more individuals, acting either as principal or agent.

(5) The term "practitioner" means any person duly licensed by appropriate authority and, in conformance with the law, licensed to prescribe dangerous drugs, and to administer and use dangerous drugs in the course of his professional practice.

(6) The term "pharmacist" means a person duly licensed as a pharmacist pursuant to the Act approved May 7, 1906, as amended (title 2, ch. 6, D. C. Code, 1951 edition).

(7) The term "prescription" means a written or oral order by a practitioner to a pharmacist for a dangerous drug for a particular patient, which specifies the date of issue, the name and address of the patient (and, in the case of prescription for an animal, the species of such animal), the name and quantity of the dangerous drug prescribed, the directions for use of such drug, and in case of a written

order, the signature and office address of such practitioner, and in the case of an oral order, the District of Columbia or State registration number and office address of such practitioner (and if the practitioner be a member of the Armed Forces of the United States, then he shall give his rank, serial number, and station). Each oral order by a practitioner for a dangerous drug must be promptly reduced to writing by the pharmacist.

(8) The term "hospital" means an institution or dispensary or clinic for the care and treatment of the sick and injured, approved by the Commissioners as proper to be entrusted with the custody of dangerous drugs and the professional use of dangerous drugs under the direction of a physician, dentist, or veterinarian.

(9) The term "laboratory" means a laboratory approved by the Commissioners as proper to be entrusted with the custody of dangerous drugs and their use for medical and scientific purposes, and for purposes of instruction.

(10) The term "manufacturer" means a person or persons, other than pharmacists and practitioners who manufacture dangerous drugs, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, or who repackage such drugs.

(11) The term "wholesaler" means a person or persons engaged in the business of distributing dangerous drugs to persons included in any of the classes named in subdivisions (A) and (D), inclusive, of section 205.

(12) The term "drug salesman" or "manufacturer's representative" means any person who, acting in the course of his regular duties, calls upon or visits practitioners or pharmacists in the interest of demonstrating, selling, or detailing the use and sale of dangerous drugs.

(13) The term "warehouseman" means a person who, in the usual course of business, stores drugs for others lawfully entitled to possess them, and who has no control over the disposition of such drugs except for the purpose of such storage.

(14) The term "Commissioners" means the Commissioners of the District of Columbia, sitting as a board, or their designated agent or agents.

PROHIBITED ACTS

SEC. 203. (a) Except as otherwise provided by sections 204 and 205 of this title, the following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure are hereby declared unlawful:

(1) The delivery of any dangerous drug unless—

(A) such dangerous drug is delivered by a pharmacist, upon a prescription, and there is affixed to the immediate container of such or in which such drug is delivered a label bearing (i) the name and address of the owner of the establishment from which such drug was delivered; (ii) the date on which the prescription for such drug was filled; (iii) the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription; (iv) the name of the practitioner who prescribed such drug; (v) the name and address of the patient, and if such drug was prescribed for an animal, a statement of the species of the animal; and (vi) the directions for the use of the drug, as contained in the prescription; or

(B) such dangerous drug is delivered to a practitioner by a pharmacist for his professional use in his practice; in which case the pharmacist may deliver the drug without affixing any addi-

tional label to the original package of such drug and must immediately record such sale and delivery by filing a suitable record of such sale and delivery in the prescription file as maintained for prescriptions for such drugs; or

(C) such dangerous drug is delivered by a manufacturer's representative or drug salesman to a practitioner in the course of calling upon the practitioner; in which case the manufacturer's representative or drug salesman shall immediately record, in a suitable bound notebook (i) the name and quantity of the drug delivered, (ii) the date such drug was delivered, and (iii) the name and address of the practitioner to whom the drug was delivered; or

(D) such dangerous drug is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appears the directions for use of such drug, the name and address of such practitioner, the name and address of the patient, and, if such drug is prescribed for an animal, a statement of the species of the animal.

(2) The refilling of any prescription for a dangerous drug except as designated on the prescription, or by the consent of the practitioner.

(3) The delivery of a dangerous drug upon prescription unless the pharmacist who filled such prescription files and retains it as required by section 206 of this title.

(4) The possession of a dangerous drug by any person, unless such person obtained such drug on the prescription of a practitioner or in accordance with subparagraph (D) of paragraph (1) of this subsection.

(5) The making or uttering by any person of any false or forged prescription, or false or forged written order for the purpose of obtaining any dangerous drug.

(6) The delivery of any dangerous drug to any person in the District of Columbia not lawfully entitled to receive such drug.

(7) The willful making of or concealment of any material false statement or representation in any prescription, order, report, or record required by this title.

(8) The refusal to make available and to accord full opportunity to check any record or file as required by section 207 of this title.

(9) The failure to keep records as required by subsections (a) and (b) of section 206 of this title.

(10) The using by any person to his own advantage, or the revealing, other than to any officer of the Metropolitan Police Department of the District of Columbia in the performance of his official duties, the Commissioners, acting pursuant to authority vested in them, or to a court when relevant in a judicial proceeding under this title, of any information required under the authority of section 207, concerning any method or process which as a trade secret is entitled to protection.

(b) Nothing in this section shall be construed to relieve any person with respect to dangerous drugs, from any requirement prescribed by or under the authority of sections 502 and 503 (b) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040; 21 U. S. C. 352, 353 (b)).

EXEMPTIONS

SEC. 204. Nothing in this title shall apply to a compound, mixture, or preparation which is delivered or acquired in good faith for the purpose for which it is intended and not for the purpose of evading the provisions of this title if—

(1) such compound, mixture, or preparation of barbituric acid, its salts and derivatives shall be declared by rule or regulation duly promulgated by the Commissioners after reasonable public notice and opportunity for hearing to have or to contain no habit-forming properties and not to have a dangerously toxic or hypnotic or somnifacient effect on the body of a human or animal; or

(2) such compound, mixture, or preparation of amphetamine, desoxyephedrine, phenylethylamine, or their salts or derivatives shall be found and declared by rule or regulation duly promulgated by the Commissioners after reasonable public notice and opportunity for hearing to contain in addition to such drug or its salts and derivatives some other drug or drugs causing it to possess other than an excessively stimulating effect upon the central nervous system and to have no habit-forming properties or dangerously toxic effect upon the body of a human or animal.

EXEMPTION OF PERSONS

SEC. 205. The provisions of subparagraphs (1) (A) and (1) (D) and paragraph (4) of section 203 (a) of this title shall not be applicable (1) to the delivery of dangerous drugs to persons included in any of the classes hereinafter named, or to agents or employees of such persons, for use in the normal or usual course of their business or practice or in the performance of their official duties, as the case may be; or (2) to the possession of dangerous drugs by such persons or their agents or employees for such use:

(A) Pharmacists.

(B) Practitioners.

(C) Persons who procure dangerous drugs (i) for handling by or under the supervision of pharmacists or practitioners, or (ii) for the purpose of lawful research, teaching, or testing and not for resale.

(D) Hospitals which procure dangerous drugs for lawful administration or use by practitioners.

(E) Laboratories which procure dangerous drugs for lawful medical and scientific purposes.

(F) Officers or employees of appropriate enforcement agencies of Federal, State, District of Columbia, or local governments, pursuant to their official duties.

(G) Manufacturers and wholesalers.

(H) Manufacturers' representatives and drug salesmen.

(I) Carriers and warehousemen.

RECORDS

SEC. 206. (a) Persons (other than carriers and practitioners) listed in paragraphs (A) through (I) of section 205 of this title shall—

(1) make, within thirty days after the effective date of this title, and biennially thereafter, a complete record of all stocks of dangerous drugs on hand, such records to be held for a period of two years, and

(2) retain all such commercial or other records, including invoices, relating to dangerous drugs received or maintained by them in the course of their business or occupation, or as required by this title, for not less than two calendar years immediately following the date of such record.

(b) Pharmacists shall, in addition to complying with the provisions of subsection (a) hereof, retain each prescription or notation of sale to practitioners for a dangerous drug received by them, for

not less than two calendar years immediately following the date of the filling of the order or prescription and a complete record of each refilling of such prescription.

INSPECTION

SEC. 207. Prescriptions, orders, and records, required by section 206 of this title, and stocks of dangerous drugs shall be opened for inspection—

(1) upon written request, to any officer or employee duly designated by the Commissioners at all reasonable hours for the purpose of inspection and copying; and, any person upon whom such request is served shall accord to such officer or employee full opportunity to check the correctness of such files or records, including the opportunity to make inventory of all stocks of dangerous drugs on hand; and it shall be unlawful for any such person to fail to make such files or records available or to accord such opportunity to check their correctness, or

(2) to District of Columbia officers whose duty it is to enforce the laws of the District of Columbia, or of the United States, relating to dangerous drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, in which such prescriptions, orders, or records may be pertinent.

REGULATIONS

SEC. 208. The Commissioners are hereby authorized to promulgate necessary regulations for the administration and enforcement of this title.

PENALTIES

SEC. 209. (a) Any person violating any provision of this title, or of any regulation made by the Commissioners under the authority of this title shall upon conviction be punished, for the first offense, by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not exceeding one year, or by both such fine and imprisonment; and for any subsequent offense by a fine of not less than \$500 nor more than \$5,000, or by imprisonment for not exceeding ten years, or by both such fine and imprisonment.

(b) The conviction of any person for a violation of this title, or of any regulation made under the authority of this title, involving any dangerous drug shall constitute ground for suspension or revocation or denial of renewal of the professional license of such person. Proceedings for such suspension or revocation or denial of renewal shall be had in accordance with the statutes relating to the issuance, revocation, suspension, and denial of renewal of such licenses and in accordance with statutes relating to judicial review of administrative action in connection with the revocation, suspension, or denial of renewal of such licenses.

"Professional license".

D. C. Code 2-101 to 2-140.

(c) As used in this section the term "professional license" means a license issued under the following Acts: (1) The Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929 (45 Stat. 1326), as amended; (2) the Act entitled "An Act to amend the Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto"; approved June 6, 1892, and Acts amendatory thereof,

approved July 2, 1940 (54 Stat. 716), as amended; (3) the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (34 Stat. 175), as amended; (4) the Act entitled "An Act to regulate the practice of veterinary medicine in the District of Columbia", approved February 1, 1907 (34 Stat. 870), as amended; (5) the Act entitled "An Act to define the term of 'registered nurse' and to provide for the registration of nurses in the District of Columbia", approved February 9, 1907 (34 Stat. 837), as amended; and (6) the Act entitled "An Act to regulate the practice of podiatry in the District of Columbia", approved May 23, 1918 (40 Stat. 560), as amended.

27 Stat. 42.
D. C. Code 2-301
to 2-331.

D. C. Code 2-601
to 2-617.

D. C. Code 2-801
to 2-812.

34 Stat. 887.
D. C. Code 2-401
to 2-411.
55 Stat. 696.
D. C. Code 2-701
to 2-719.

SEARCH WARRANTS

SEC. 210. (a) A search warrant may be issued upon probable cause, supported by affidavit particularly describing the property to be seized and place to be searched, by any judge of the municipal court for the District of Columbia or by the United States Commissioner for the District of Columbia, to any officer of the Metropolitan Police Department when any dangerous drugs are manufactured, possessed, prescribed, and delivered in violation of the provisions of this title, and any such dangerous drugs and any other property designed for use in connection with such unlawful manufacturing, possession, prescribing, or delivery, may be seized thereunder and shall be subject to such disposition as the court may make thereof, and such dangerous drugs may be taken on the warrant from any house or other place in which they are concealed.

(b) Any search warrant issued in accordance with the provisions of subsection (a) of this section may be served at any time in the day or night and must be executed and returned to the issuing authority within ten days after its date.

ARRESTS WITHOUT WARRANT

SEC. 211. (a) Arrests without a warrant, and searches of the person and seizures pursuant thereto, may be made for a violation of any of the provisions of section 203 of this title by police officers, as in the case of a felony, upon probable cause that the person arrested is violating such section at the time of his arrest.

(b) No evidence discovered in the course of any such arrest, search, or seizure authorized by this section shall be admissible in any criminal proceeding against the person arrested, unless at the time of such arrest he was violating section 203 of this title.

FORFEITURE

SEC. 212. Any dangerous drug seized pursuant to any lawful search or which may have come into the custody of any peace officer, the lawful possession of which cannot be established or the title to which cannot be ascertained, shall be forfeited and destroyed in the same manner provided for narcotic drugs in section 17 of the Uniform Narcotic Drug Act, approved June 20, 1938 (52 Stat. 794; D. C. Code, title 33-417), as amended.

SEPARABILITY CLAUSE

SEC. 213. If any provision of this title is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Effective date.

SEC. 214. This title shall take effect ninety days after the date of its enactment.

TITLE III—MISCELLANEOUS

AMENDMENTS TO UNIFORM NARCOTIC DRUG ACT

SEC. 301. (a) (1) The first section of the Uniform Narcotic Drug Act approved June 20, 1938 (52 Stat. 785; D. C. Code, sec. 33-401), is amended by amending subsections (n) and (o) to read as follows:

"(n) 'Narcotic drugs' means coca leaves, opium, cannabis, isonipecaine, and opiate, and every substance not chemically distinguishable from them, and any compound, manufacture, salt, derivative, or preparation of coca leaves, opium, cannabis, isonipecaine, or opiate, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

"(o) 'Federal narcotic laws' means the laws of the United States and the regulations promulgated thereunder relating to opium, coca leaves, cannabis, and other narcotic drugs."

(2) Such section is further amended by adding at the end thereof the following new subsection:

"(t) 'Isonipecaine' and 'opiate' shall have the same meaning as that given to such terms by section 4731 of the Internal Revenue Code of 1954."

(b) Section 2 of such Act is amended (1) by inserting "(a)" immediately after "SEC. 2.", and (2) by adding at the end of such section the following new subsections:

"(b) Arrests without a warrant, and searches of the person and seizures pursuant thereto, may be made for a violation of subsection (a) hereof by police officers, as in the case of a felony, upon probable cause that the person arrested is violating such subsection at the time of his arrest.

"(c) No evidence discovered in the course of any such arrest, search, or seizure authorized by subsection (b) hereof, shall be admissible in any criminal proceeding against the person arrested unless at the time of such arrest he was violating the provisions of this section."

(c) Section 5 of such Act is amended (1) by striking out in the fourth sentence of the first paragraph thereof "in section 6 of the Act of Congress approved December 17, 1914, entitled 'An Act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes', as amended," and inserting in lieu thereof "in section 4702 of the Internal Revenue Code of 1954" and (2) by striking out in the first sentence of the second paragraph thereof "at a cost not to exceed \$1 a hundred", and inserting in lieu thereof "at cost", and (3) by amending the last paragraph thereof to read as follows:

"It shall be deemed a compliance with this section if the parties to the transaction have complied with the Federal narcotic laws respecting official order forms if such order forms are authorized and required by Federal laws, or, if no such order form is required by Fed-

68A Stat. 557.
26 USC 4731.

D. C. Code 33-
402.

D. C. Code 33-
405.

68A Stat. 549.
26 USC 4702.

eral law and if no such order form is available for purchase as provided in the preceding paragraph of this section, then the parties to the transaction shall comply with the rules and regulations made pursuant to this Act respecting official order forms and such other records as may be required."

(d) Section 8 of such Act is amended (1) by redesignating subsections (b) and (c) as (d) and (e), respectively, and (2) by striking out in subsection (a) thereof the last two sentences and inserting in lieu thereof the following new subsections:

"(b) An apothecary, in good faith, may sell and dispense on oral prescription of a physician, dentist, or veterinarian such narcotic drugs or compounds thereof as are found by the Secretary of the Treasury or his delegate, pursuant to section 4705 (c) (2) of the Internal Revenue Code of 1954, to possess relatively little or no addiction liability. The oral prescription shall be reduced to a written record by the apothecary before filling, with said written record containing the same information as is required by law or regulation in the case of a written prescription except for the requirement of the written signature of the prescriber.

"(c) A written prescription or a written record of an oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filed for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this Act. The prescription shall not be refilled."

(e) Section 9 (a) of such Act is amended (1) by striking out in the first sentence thereof "may prescribe in writing" and inserting in lieu thereof "may prescribe by a written or oral prescription", (2) by striking out in the second sentence thereof "Such a prescription" and inserting in lieu thereof "Each written prescription:", and (3) by adding at the end thereof the following new sentence: "In issuing an oral prescription, the physician or dentist shall furnish the apothecary with the same information as is required by law or regulation in the case of a written prescription for narcotic drugs and compounds, except for the requirement of the written signature of the prescriber."

(f) Section 9 (b) of such Act is amended (1) by striking out in the first sentence thereof "may prescribe in writing" and inserting in lieu thereof "may prescribe by a written or oral prescription", (2) by striking out in the second sentence thereof "Such a prescription" and inserting in lieu thereof "Each written prescription", and (3) by adding at the end thereof the following new sentence: "In issuing an oral prescription, the veterinarian shall furnish the apothecary with the same information as is required by law in the case of a written prescription for narcotic drugs and compounds, except for the written signature of the prescriber."

(g) Section 9 of such Act is further amended by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

"(c) Nothing contained in subsections (a) and (b) of this section shall be construed as authorizing an oral prescription to be furnished by the physician, dentist, or veterinarian to the apothecary, for a narcotic drug or compound other than those narcotic drugs or compounds determined by the Secretary of the Treasury, or his delegate, pursuant to the provisions of section 4705 (c) (2) of the Internal Revenue Code of 1954, to possess little or no addiction liability."

(h) Section 10 of such Act is amended—

(1) by inserting immediately before the period at the end of subsection (a) thereof, a comma and the following:

"(5) not more than one-sixth of a grain of dihydrocodeinone or any of its salts";

D. C. Code 33-408.

68A Stat. 551.
26 USC 4705.

D. C. Code 33-409.

26 USC 4705.

D. C. Code 33-410.

(2) by inserting immediately after subsection (b) thereof, the following new subsection:

“(c) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation containing not in excess of 25 per centum of paregoric, in combination with some drug or drugs which confer upon it medicinal properties other than those possessed by paregoric.”; and

(3) by striking out in the third sentence of the last paragraph thereof “without a prescription” and inserting in lieu thereof “without a written prescription”.

D. C. Code 33-411.

(i) Subsection (e) of section 11 of such Act is amended by striking out the last sentence thereof.

D. C. Code 33-412.

(j) (1) The second sentence of subsection (a) of section 12 of such Act is amended by striking out “a prescription” and inserting in lieu thereof “a written or oral prescription”.

(2) The first sentence of subsection (b) of section 12 of such Act is amended (A) by striking out “a prescription” and inserting in lieu thereof “a written or oral prescription”; and (B) by striking out “affix to” and inserting in lieu thereof “affix to or place in”.

D. C. Code 33-414.

(k) Section 14 (h) of such Act is amended to read as follows:

“(h) The judge or commissioner shall insert a direction in the warrant that it may be served at any time in the day or night.”

D. C. Code 33-416.

(l) Such Act is further amended by inserting after section 16 the following new section:

“SEC. 16A. VAGRANCY—NARCOTIC DRUG USER—PENALTIES—CONDITIONS IMPOSED.

“(a) The purpose of this section is to protect the public health, welfare, and safety of the people of the District of Columbia by providing safeguards for the people against harmful contact with narcotic drug users who are vagrants within the meaning of this section and to establish, in addition to the Hospital Treatment for Drug Addicts Act for the District of Columbia, further procedures and means for the care and rehabilitation of such narcotic drug users.

Ante, p. 609.

“(b) For the purpose of this section—

“Vagrant”.

“(1) the term ‘vagrant’ shall mean any person who is a narcotic drug user or who has been convicted of a narcotic offense in the District of Columbia or elsewhere and who—

“(A) having no lawful employment or visible means of support realized from a lawful occupation or source, is found mingling with others in public or loitering in any park or other public place and fails to give a good account of himself; or

“(B) is found in any place, abode, house, shed, dwelling, building, structure, vehicle, conveyance, or boat, in which any illicit narcotic drugs are kept, found, used, or dispensed; or

“(C) wanders about in public places at late or unusual hours of the night, either alone or in the company of or association with a narcotic drug user or convicted narcotic law violator, and fails to give a good account of himself; or

“(D) is included within one of the classes of persons defined in paragraphs (1) through (9), inclusive, of section 5 of the Act of December 17, 1941 (55 Stat. 808; D. C. Code, sec. 22-3302), as amended;

“Narcotic drug user”.

“(2) the term ‘narcotic drug user’ shall mean any person who takes or otherwise uses narcotic drugs, except a person using such narcotic drug as a result of sickness or accident or injury,

and to whom such narcotic drugs are being furnished, prescribed, or administered in good faith by a duly licensed physician in the course of his professional practice.

“(c) Whenever any law-enforcement officer has probable cause to believe that any person is a vagrant within the meaning of this section, he is authorized to place that person under arrest and to confine him in any place in the District of Columbia designated by the Commissioners thereof.

“(d) Pending arraignment and without unnecessary delay the person arrested as a vagrant within the meaning of this section shall have the opportunity to be examined by a physician designated by the Commissioners of the District of Columbia, who shall determine whether there is evidence of narcotic drug usage.

“(e) If the physician designated by the Commissioners of the District of Columbia is satisfied that the person examined is not a narcotic drug user, or if there is insufficient evidence of narcotic drug usage, the United States Attorney shall, if the said person is not otherwise chargeable as a vagrant within the meaning of this section, bring such matter to the attention of the Corporation Counsel for the District of Columbia for determination as to whether there shall be a prosecution under the provisions of the Act of December 17, 1941 (55 Stat. 808; D. C. Code, sec. 23-3302), as amended.

“(f) Upon affirmative determination that the person arrested is a narcotic drug user, or if the person has been convicted of a narcotic offense in the District of Columbia or elsewhere, and if such person is also a vagrant as hereinbefore defined, he shall be charged with the offense of vagrancy within the meaning of this section and arraigned in the United States branch of the municipal court, where the prosecution shall be conducted in the name of the United States by the United States attorney.

“(g) Any person convicted of being a vagrant under the provisions of this section shall be punished by fine of not more than \$500 or imprisonment for not more than one year, or by both such fine and imprisonment.

“(h) The court, in sentencing any person found guilty under the provisions of this section, may in its own discretion or upon the recommendation of the probation officer, impose conditions upon the service of any such sentence. Conditions thus imposed by the court may include submission to medical and mental examination, and treatment by proper public health and welfare authorities; confinement at such place as may be designated by the Commissioners of the District of Columbia, and such other terms and conditions as the court may deem best for the protection of the community and the punishment, control, and rehabilitation of the defendant.

“(i) In all prosecutions under the provisions of this section, the burden of proof shall be upon the defendant to show that he has lawful employment or has lawful means of support realized from a lawful occupation or source.”

(m) Section 17 of such Act is amended to read as follows:

“SEC. 17. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which come into the custody of a peace officer shall be delivered promptly to the Secretary of the Treasury or his delegate for disposal in accordance with the provisions of section 4733 of the Internal Revenue Code of

D. C. Code 33-417.

68A Stat. 558.
26 USC 4733.

1954, except that narcotic drugs which may be needed as evidence in any criminal or administrative proceeding pursuant to the provisions of this Act or the provisions of any Federal narcotic law shall, upon delivery to the Secretary of the Treasury, not be so disposed of until the United States attorney for the District of Columbia or any assistant United States attorney shall certify that such narcotic drugs are no longer needed as evidence."

D. C. Code 33-
23.

(n) Section 23 of such Act is amended to read as follows:

"SEC. 23. Any person violating any provision of this Act, or any regulation made by the Commissioners of the District of Columbia, under authority of its sections, for which no specific penalty is otherwise provided, shall upon conviction be punished, for the first offense, by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not exceeding one year, or by both such fine and imprisonment, and for any subsequent offense by a fine of not less than \$500 nor more than \$5,000, or by imprisonment for not exceeding ten years, or by both such fine and imprisonment."

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

58 Stat. 698.
42 USC 257.

SEC. 302. (a) Section 341 of the Public Health Service Act, as amended, is amended by adding at the end thereof the following new sentence: "Upon the admittance to, and departure from, a hospital of the Service of a person who voluntarily submitted himself for treatment pursuant to the provisions of this section and who at the time of his admittance to such hospital was a resident of the District of Columbia, the Surgeon General shall furnish to the Commissioners of the District of Columbia, or their designated agent, the name, address, and such other pertinent information as may be useful in the rehabilitation to society of such person."

42 USC 260.

(b) Section 344 (d) of such Act is amended by striking out "shall be confidential" and inserting in lieu thereof "shall, except as otherwise provided by this Act, be confidential".

68 Stat. 80.
42 USC 261.

(c) The second sentence of section 345 (a) of such Act is amended to read as follows: "No such addict shall be admitted unless (1) committed prior to July 1, 1958; (2) at the time of commitment, the number of persons in hospitals of the Service who have been admitted pursuant to this subsection is less than one hundred; and (3) suitable accommodations are available after all eligible addicts convicted of offenses against the United States have been admitted."

AMENDMENT TO PUBLIC LAW 355, EIGHTY-THIRD CONGRESS

42 USC 257, 260a,
261, 261a.

Ante, p. 609.

SEC. 303. Section 1 of the Act entitled "An Act to authorize the care and treatment at facilities of the Public Health Service of narcotic addicts committed by the United States District Court for the District of Columbia, and for other purposes", approved May 8, 1954 (68 Stat. 79), is amended to read as follows:

"SEC. 1. In order to afford the District of Columbia the facilities required to carry out the Act of June 24, 1953 (Public Law 76, Eighty-third Congress), as amended, and to help it meet its responsibility for the detention, care, and treatment of noncriminal narcotic addicts, it is hereby declared to be the purpose of this Act to authorize the limited use of suitable Public Health Service facilities at the expense of the District of Columbia for such detention, care, and treatment."

Effective date.

SEC. 304. Subsection (1) of section 301 of this title shall take effect thirty days after the date of its enactment.

Approved July 24, 1956.